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In re Application of :
SUN, et al. :
U.S. Application No. 10/578,930 :
PCT No.: PCT/IB2004/052317 :
Int. Filing Date: 05 November 2004 :
Priority Date: 10 November 2003 :
Attorney Docket No.: CN030051US :
For: A METHOD AND APPARATUS FOR :
MITIGATING P2P INTERFERENCE IN :
P2P ENABLED COMMUNICATION :
SYSTEMS :

DECISION ON PETITION
(37 CFR 1.182)

This decision is issued in response to applicant's "Petition Under 37 CFR 1.182" filed 26 November 2008 in the United States Patent and Trademark Office (USPTO) that seeks to correct the international application number on the national stage application papers filed 08 May 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/IB2004/052317. Applicant is advised that the petition fee is \$400.00. As authorized, Deposit Account No. 14-1270 will be charged the required \$400 petition fee.

BACKGROUND

On 05 November 2004, applicants filed international application PCT/IB2004/052317, which claimed a priority date of 10 November 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 10 May 2006.

On 06 May 2006, applicant filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 10/578,930.

On 30 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a communication to applicant detailing a discrepancy in the filed papers and advising applicant to file a petition under 37 CFR 1.182 to correct the transmittal error.

On 26 November 2008, applicant filed a petition under 37 CFR 1.182 to correct the bibliographic data error.

DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 06 May 2006 can be treated as having been directed to international application PCT/IB2004/052317, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 26 November 2008, applicant confirms that the listing of international application PCT/IB2004/052276 set forth in the transmittal letter provided by applicant was the result of an error, and that the correct international application is PCT/IB2004/052317. It is noted that the correct international application number was listed on the combined declaration and power of attorney also filed on 06 May 2006. The present petition is accompanied by payment of the required petition fee and properly identifies the application as the national stage of PCT/IB2004/052317. These materials satisfy the requirements for a grantable petition to correct the error in the bibliographical data filed 06 May 2006 and to permit such materials to be treated as having been directed to international application PCT/IB2004/052317.

CONCLUSION

Applicant's petition under 37 CFR 1.182 is GRANTED.

The materials filed 06 May 2006 assigned U.S. application number 10/578,930 will be treated as the national stage of PCT/IB2004/052317.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision including the issuance of a new "Notice of Acceptance" (Form PCT/DO/EO/903). 10 May 2006 remains the date of satisfaction of the requirements under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).



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